

## REMARKS

By this submission, a new section title and a one sentence paragraph are set out for introduction to the specification. The specification as filed includes one figure on a drawing sheet, but inadvertently no Brief Description of Drawing section is set out in the previously filed substitute specification. Accordingly, now submitted for introduction on page 7 of the specification before the “Detailed Description” section are a section title and one sentence description of the application figure. Such amendment is in compliance with 37 CFR §1.84(u)(i), which directs that “where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation “FIG” must not appear. No new matter is introduced by this submitted amendment.

Previously pending claim 38 is amended by this submission, and all other previously pending claims 19-37 continue pendency without amendment. As discussed below, no new matter is introduced by the submitted amendments for claim 38.

It is requested in view of now submitted amendments and the following discussions that all rejections reported in the outstanding Office action be reconsidered and not repeated in any further action issued for this application.

### **Claim Rejections – 35 USC §103**

Previously pending claim 38 is reported rejected under 35 USC §103 as being unpatentable over US Patent 5,933,466 (Oshima et al.). It is believed that this reported rejection is overcome in view of now submitted amendments clarifying recited subject matter and below provided discussions.

Turning first to now submitted amendments for claim 38. These amendments are directed to clarifying recited structure for this apparatus claim as being set out to provide structures to accomplish the process recited in also pending claim 19. Both claims 19 and 38 are independent, and claim 19 is reported in the Office action as being “allowed” (see number 5 on Office Action Summary (PTOL-326(Rev.1-04))) To accomplish the purpose of having apparatus claim 38 recite structure to perform the process recited in allowed claim 19, the submitted amendments, as authorized by statute, recited “means...for performing a specified function without recital of structure.” Such a recitation format by statutory direction results

in the “means...for...” claimed subject matter being “construed to cover the corresponding structure...described in the specification and equivalents thereof.” (35 USC §112, sixth paragraph). Most specifically, here the recited structure accomplishes:

- “a synchronization means for time synchronization of the input signals using video synchronization pulses contained with the input signals”;
- “a signal conditioning means for evaluating the quality of the input signals using at least one criterion for determining an adaptively determined weighting factor”;
- “a determining means for weighting the input signals”; and,
- “a multiplication and summing means for forming output signals using the weighted input signals.”

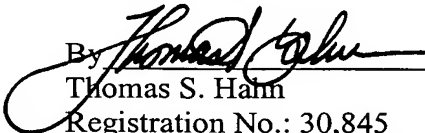
These functions are copied from allowed process claim 19. As such it is submitted that independent apparatus claim 38 now being in “means for performing” these functions does not read on any reference of record, including Oshima et al., whether considered under section 102 or section 103 of title 35 of the US Code. Accordingly, it further is submitted that now amended claim 38 overcomes the previously reported obviousness rejection.

### CONCLUSION

In light of the outstanding reported allowance of claims 19-37, and the now submitted amendments for claim 38 with the above discussions, it is believed that all claims 19-38 now are in condition for allowance and a notice of the same is requested. Should the Examiner have any question, request or suggestion, he is invited to contact the undersigned attorney at the telephone number indicated below.

Dated: *September 15, 2005*

Respectfully submitted,

By   
Thomas S. Hahn  
Registration No.: 30,845  
FULBRIGHT & JAWORSKI L.L.P.  
801 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2623  
(202) 662-0278  
(202) 662-4643 (Fax)  
Attorney for Applicant